



Bankruptcy LODGED ORDER UPLOAD FORM

Thursday, May 02, 2024

CONFIRMATION :

Your Lodged Order Info:

(**11300950.doc**)

[The previous order and exhibit have been replaced](#)

- **Office:** [Santa Ana](#)
- **Case Title:** [The Litigation Practice Group P.C.](#)
- **Case Number:** [23-10571](#)
- **Judge Initial:** [SC](#)
- **Case Type:** [bk \(Bankruptcy \)](#)
- **Document Number:** [645](#)
- **On Date:** [05/02/2024 @ 08:12 PM](#)

Thank You!

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

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6 Attorneys for Chapter 11 Trustee
RICHARD A. MARSHACK
7

8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10 In re

11 THE LITIGATION PRACTICE GROUP P.C.,

12 Debtor.
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Case No: 8-23-bk-10571-SC

Chapter 11

ORDER DENYING MOTION OF JUDITH
SKIBA'S ALLOWANCE OF
ADMINISTRATIVE CLAIM – DK NO. 645

Date: April 22, 2024

Time: 9:30 a.m.

Courtroom: Virtual

Locations: 5C

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18 A hearing was held on April 22, 2024, at 9:30 a.m. before the Honorable Scott C. Clarkson,
19 United States Bankruptcy Judge for the Central District of California, on the Motion of Judith Skiba
20 (“Ms. Skiba”) for Allowance of Administrative Claim and Order for Relief (“Motion”), filed on
21 November 8, 2023, as Dk. No. 645 along with Ms. Skiba’s filing of various amendments and
22 objections (Dk. Nos. 647,819, 1073, and 1081), and pursuant to the Court’s Order Requiring
23 Physical Appearances for hearing on the Motion [Dk. No. 1123]. Christopher Celentino of Dinsmore
24 & Shohl LLP appeared on behalf of Chapter 11 Trustee Richard A. Marshack. Ms. Skiba did not
25 appear initially, however, the Court graciously recalled the matter due to Ms. Skiba’s late
26 appearance. All other appearances are per the Court’s record.

27 The Court has read and considered the Motion, the Limited Objection filed by OHP-CDR,
28 LP and PurchaseCo 80, LLC [Dk. No. 817], Opposition filed by Trustee, Richard A. Marshack, in

1 his capacity as Chapter 11 Trustee (“Trustee”) for the bankruptcy estate (“Estate”) of The Litigation
2 Practice Group P.C. (“Debtor”) [Dk. No. 1050], and for the reasons set forth in the Court’s Tentative
3 Ruling of April 18, 2024 (attached hereto as Exhibit “1”) and as stated on the record at the hearing
4 on the Motion, the Court has found good cause to deny the Motion.

5 The Court also required the Trustee, from Estate funds, to issue a check to Ms. Skiba in the
6 amount of \$600, to replace a check that Ms. Skiba states she never received from Phoenix Law. Ms.
7 Skiba stated that if the check from Phoenix Law was found she would not cash it. The Trustee hand
8 delivered that check to Ms. Skiba, who took possession of it.

9 Accordingly, IT IS ORDERED the Motion is denied.

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EXHIBIT 1

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Monday, April 22, 2024

Hearing Room 5C

9:30 AM

8:23-10571 The Litigation Practice Group P.C.

Chapter 11

#3.00

CONT'D Hearing RE: Motion Of Judith Skiba's Allowance Of Administrative Claim And Order For Relief
(Consolidated With dkt. 647 and dkt. 819)
(Motion filed 11/8/2023)
(S/C set per Order Entered 1/8/2024 - dkt. 818)

FR: 1-19-24; 2-29-24; 4-11-24

Docket 645

Tentative Ruling:

Tentative for 4/22/24 is to DENY.

Personal appearances by all parties, including the Claimant, will be REQUIRED in Courtroom 5C for this hearing.

Claimant has failed to establish facts that demonstrate that she is entitled to an administrative claim of \$20,000. Claimant entered into a post-petition agreement with a non-debtor entity. Unlike general unsecured proofs of claims, administrative claims lack presumptive validity. *In re Saxton, Inc.*, 2007 WL 7540972, at *7 n. 12 (B.A.P. 9th Cir. July 30, 2007) (unpublished). An administrative claimant bears the initial burden of establishing that its claim "(1) arose from a transaction with the debtor-in-possession as opposed to the preceding entity (or, alternatively, that the claimant gave consideration to the debtor-in-possession); and (2) directly and substantially benefitted the estate." *In re DAK Indus., Inc.*, 66 F.3d 1091, 1094 (9th Cir. 1995). Claimant has not met the foregoing standard.

Tentative for 4/11/24:

This matter is CONTINUED to April 22, 2024, at 9:30 a.m., personal appearances by all parties, including the Claimant, will be REQUIRED in Courtroom 5C for the cotinued hearing.

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Monday, April 22, 2024

Hearing Room 5C

9:30 AM

CONT... The Litigation Practice Group P.C.

Chapter 11

Appearances for the 4/11 hearing are excused.

Revised tentative for 2/29/24:

Virtual appearances required.

Matters #19 and #20 [Dks. 645, 647, 819] appear to be related to the same claim and will therefore be consolidated.

The Court is inclined to sets the following dates/deadlines:

1. Opposition by Trustee due: March 21, 2024
2. Reply by Claimant due: March 28, 2024
3. Continued hearing: April 11, 2024, at 11:00 a.m. - In-person appearances by all parties, including the Claimant, will be REQUIRED in Courtroom 5C for this hearing.

Trustee is to lodge a scheduling order within seven (7) days.

Virtual appearances are required.

Tentative for 2/29/24:

Matters #19 and #20 [Dks. 645, 647, 819] appear to be related to the same claim and will therefore be consolidated.

The Court hereby sets the following dates/deadlines:

1. Opposition by Trustee due: March 21, 2024
2. Reply by Claimant due: March 28, 2024
3. Continued hearing: April 11, 2024, at 11:00 a.m.

Trustee is to lodge a scheduling order within seven (7) days.

Appearances for the 2/29 hearing are excused.

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Monday, April 22, 2024

Hearing Room 5C

9:30 AM

CONT...

The Litigation Practice Group P.C.

Chapter 11

Party Information

Debtor(s):

The Litigation Practice Group P.C.

Represented By
Joon M Khang

Movant(s):

Judith Skiba

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Christopher Celentino
Laila Masud
Jonathan Serrano
Christopher Ghio
Yosina M Lissebeck
Peter W Bowie
Bradford Barnhardt
Jeremy Freedman
Sara Johnston

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **May 2, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **May 2, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR – MAIL REDIRECTED TO TRUSTEE

THE LITIGATION PRACTICE GROUP P.C.
17542 17TH ST, SUITE 100
TUSTIN, CA 92780-1984

CLAIMANT / INTERESTED PARTY

JUDITH SKIBA
PO BOX 1016
PASCAGOULA, MS 39568

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 21, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
411 WEST FOURTH STREET, SUITE 5130 /
COURTROOM 5C
SANTA ANA, CA 92701-4593

VIA EMAIL

JUDITH S. SKIBA
SKIBAJUDITH@YAHOO.COM

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 2, 2024 Layla Buchanan

Date

Printed Name

/s/ Layla Buchanan

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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